

Yaodi Hu,

vs.

Illinois Power Company.

ILLINOIS
COMMERCE COMMISSION

2002 OCT -3 A 10: 58

Docket No. 02-0249
CHIEF CLERK'S OFFICE

**Illinois Power Company's Response to Motion to Join
City of Danville as Party Respondent**

Pursuant to 83 Ill. Adm. Code § 200.190, Illinois Power Company ("Illinois Power") hereby files its Response to the Complainant Yaodi Hu's (hereinafter "Mr. Hu") Motion to Join City of Danville as Party Respondent (hereinafter "Motion to Join").

On September 19, 2002, Mr. Hu filed his Motion to Join wherein he seeks to add the City of Danville (hereinafter "Danville" or "the City") as a party respondent. Illinois Power notes that this motion is not directed toward it, nor does Illinois Power have a strong position as to whether Danville should be added as a party. Illinois Power certainly defers to the Commission as to whether Danville should be added as a party respondent. However, Illinois Power would note the following:

Mr. Hu does not provide any basis that would allow the Commission to have jurisdiction over Danville. Furthermore, it is not clear as to what improper conduct Mr. Hu is alleging against Danville, or for that matter, Illinois Power. Mr. Hu states that:

City of Danville is requiring the Complainant to relocate the main disconnect outside of the building, while Illinois Power is requiring the Complainant a 400 AMP electrical meter outside of the building. Under the 1999 NEC, main disconnect and the electrical meter has to stay together. Without Illinois Power requiring the Complainant to install a 400 AMP electrical meter outside of the building, city of Danville can not require the Complainant to relocate the main disconnect outside the building without violating the 1999 National Electrical Code. On the other hand, without City of Danville requiring the Complainant to relocate the main disconnect outside of the building, Illinois Power can not require the Complainant to install a 400 AMP electrical meter outside the building without violating 1999 National Electrical Code. It appears that Illinois Power and the City of Danville is (sic)

acting in concert in requiring the Complainant relocating (sic) the main disconnect and electrical meters outside of the building.

Motion to Join, p. 3.

To the extent Mr. Hu complains that Illinois Power is requiring certain electrical restructuring at the premise, Illinois Power contends again that it is operating within its Rules. Mr. Hu apparently fails to recognize that certain electrical rewiring requests by Danville may necessitate additional action on his part to insure that electricity can be supplied in a safe and reliable manner and within Illinois Power's Rules on file with the Commission. These Rules and general policies regarding electrical service dictate what changes, if any, would be necessary. At this point, with the information presented by Mr. Hu, Illinois Power does not see how Danville's presence as a party in the proceeding will resolve the outstanding issues within the Commission's jurisdiction. However, Illinois Power parenthetically notes that what is being required by Danville may be necessary to determine what, if anything, would be required by Illinois Power.

Danville has ordinances in place regarding requirements for electrical service. See Danville, Illinois Code of Ordinances, Title XV, Chapter 153; ([www.amlegal.com/danville il/](http://www.amlegal.com/danville_il/)). Whether or not Mr. Hu is required to perform certain electrical work to be in compliance with Danville's requirements appears to be a matter within the scope of the City's ordinances. If Mr. Hu disagrees with the City's requirements, the City's ordinances also allow for an appeals process. See Id. Mr. Hu's Motion does not indicate whether he has pursued his administrative remedies available with Danville.

To the extent Mr. Hu is complaining about Illinois Power's conduct regarding his electric service, Danville does not appear to be a necessary party to this proceeding. Mr. Hu is apparently receiving electricity for certain locations at 428 E. Main, Danville, Illinois. For other locations, Illinois Power is not supplying service because of its Rules, Regulations and

Conditions Applying to Electric Service ("Rules"). Specifically, Illinois Power is unable to energize until the applicant receives approvals from public authorities, i.e. city of Danville. See Rules, § 2.1. Again, whether or not Danville is improperly withholding authorization of the electrical wiring, pursuant to the City's ordinances, does not appear to be within the Commission's jurisdiction, nor necessary to determine whether Illinois Power is improperly withholding service.

Respectfully submitted,

By: 

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Dated: October 2, 2002

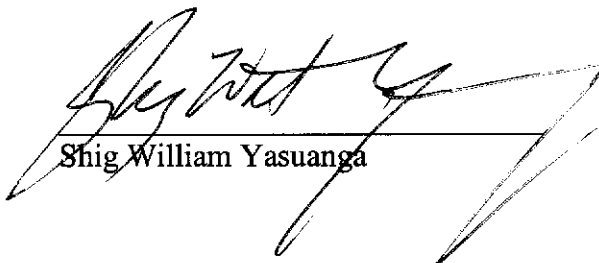
CERTIFICATE OF SERVICE

I, Shig William Yasuanga, certify that on the 2nd day of October, 2002, I served a copy of Illinois Power Company's Response to Motion to Join City of Danville as a Party

Respondent by first class mail from Decatur, Illinois, postage prepaid to:

Yaodi Hu
428 E. Main St.
Danville, Illinois 6832

City Clerk
City of Danville
17 W. Main St.
Danville, IL 61832-5705


Shig William Yasuanga

Dated: October 2, 2002